

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

ABDIFITAH ADAN)

No. 3:10-CR-00260
CHIEF JUDGE HAYNES

MOTION FOR SEVERANCE OF DEFENDANT
AND INCORPORATED MEMORANDUM
IN SUPPORT THEREOF

Defendant, Abdifitah Adan moves, pursuant to Rules Rule 8(a), 12(b)(3)(D) and 14 of the Federal Rules of Criminal Procedure, for an Order severing Count 22 from Count 1, 2 and 11 of Superseding Indictment.

The defendant argues that the counts were misjoined under Federal Rule of Criminal Procedure 8(a), and that even if joinder was technically proper, this Court should nevertheless grant a severance pursuant to Federal Rule of Criminal Procedure 14.

a. Severance should be granted pursuant to Rule 8(a).

Mr. Adan argues that Count 22 and Counts 1, 2 and 11 are not "...of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan." There is simply no nexus between Count 22 - Making a materially false statement in a matter within the jurisdiction of a Department or Agency of the United States - and the other counts in the Superseding

QUADSK
For the reasons stated in D/E No 1394, this motion is GRANTED to sever Count 22.
L. J. [Signature]
2-22-12